

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 4th day of June, 1998

B e f o r e

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

Writ Petition No. 15846 of 1998

Between:

The Divisional Controller
Karnataka State Road Transport
Corporation, Hassan Division,
Hassan- 573 201.

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..Petitioner

(By Ms. Lakshmi, Adv. for
Smt. Shireen Zafrullah, Adv.)

A n d:

1. The Workman
Represented by the Secretary
District Transport & General
Labour Union,
Sakleshpur- 573 134

2. The Presiding Officer
Labour Court, Chickmagalur. .. Respondents

(By)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari or any other appropriate writ or direction to quash the order dated 31-3-1995 passed in I.D.Ref. No.401/90 passed by the Labour Court, Chickmagalur, Annexure-A.

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This petition coming on for Preliminary hearing, this day the Court made the following:

ORDER

O _ R _ D _ E _ R

Petitioner herein challenges Annexure-A award passed by the Labour Court. The writ petition is hopelessly belated. The award was passed on 31st March, 1995. A certified copy was applied for on 4.12.1997 and secured the copy on the same day i.e., on 4.12.1997. The writ petition is filed only on 27.5.1998. There is inordinate delay in filing the writ petition.

2. That apart it is not a proceedings for which the KSRTC should further spend money. Alleging the worker had not issued tickets to certain passengers while he was conducting the bus on route Hassan - Gubbi on 23.9.1984, charges were framed against the worker. Domestic enquiry was held. At the domestic enquiry the worker was found guilty. For this the Management had withheld two increments of the worker. That was the issue in challenge by the worker before the Labour Court. The Labour Court held that imposition of the said punishment is too harsh. Therefore

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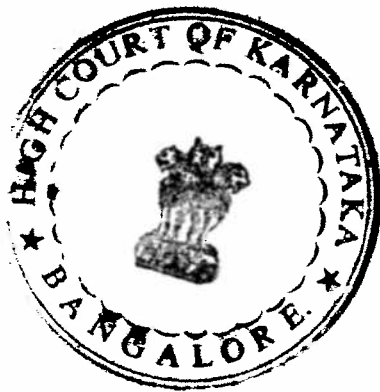
it set aside the punishment by the order impugned herein. In the course of hearing it held that the domestic enquiry held is not fair and proper. The Labour Court discussed the issue at length in this behalf as well. Thereafter it held that the Management is not justified in inflicting the punishment in question. Therefore it set aside the same. The said award is challenged in this proceeding by the Management.

3. It is to be noted, as stated earlier that there is inordinate delay in moving this Court. One fails to understand why such delay is occurring. In this petition evidence has been adduced by the worker. It shows that there was no collection of bus fare as alleged by the Corporation and the checking staff had collected penalty from the ticketless passengers. Therefore the alleged misconduct of the worker could not have been held as a serious misconduct. If as a matter of fact the worker had issued tickets and not collected the fare from the passengers it is a serious misconduct. In this case penalty has been imposed

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on the passengers who have travelled without tickets and as such the Corporation has not suffered any loss and the Corporation should not have taken course of imposing a punishment which will have repercussion throughout his career. Therefore the Labour Court was justified in holding that the punishment in question is too harsh. There are no grounds to interfere with the impugned order. The writ petition is dismissed accordingly.



Sd/-
JUDGE

Vb/-